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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Attachment to Advisory Action

1. Applicants' amendment filed on 11/8/2010 has been fully considered; however, the amendment has not been entered given that it raises new issues that would require further consideration and/or search.
2. With respect to other new issues, claim 15 has been amended to include a new limitation, not previously presented. Specifically, claim 15 has been amended to recite a new lower bound amount of the total of F1, F2, and F3, i.e. 14 %. It is the Examiner's position that this is a new issue since this is a new limitation from the specification. Therefore, the amendment would require further consideration and/or search.
3. Were the Amendment entered, it is noted that the 35 U.S.C. 112 second paragraph rejection set forth in Paragraph 6 of the Final Action mailed on 7/7/2010 would be overcome.
4. Were the Amendment entered, Applicants' arguments regarding the prior art reference Schlosser and unexpected results Glow Wire Ignition Test (GWIT) results of compositions comprising F1-F2 are not found to be convincing for the following reasons:
5. With respect to Schlosser, Applicants argue that none of the examples of Schlosser et al employ the compound F3. However, while the use of F3 is not exemplified by the reference, it is noted significant to note that the reference does explicitly disclose the use of melamine condensate derivatives, melam, melam, melon, as

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the preferred melamine condensation derivative which is utilized in amounts for 3 to 20 wt %, see for example Col. 2 Lines 50-52 and Col. 3 Lines 22-25 – disclosed as Component B. Furthermore, it should be noted that the reference does explicitly disclose the use of melamine polyphosphate compound in combination with melamine condensation derivative, see Col. 2 Lines 6-10. Furthermore, while the reference does not disclose amounts of F2 to be utilized in the disclosed compositions, as discussed above, the reference does explicitly disclose/suggest combinations of melamine condensation derivatives with reaction products between phosphoric acid and melamine. To this end, it is noted that the amount of F2 and benefits thereof in polymeric compositions were taught by Yakabe et al, i.e. the use of melamine polyphosphates in combination with inorganic reinforcing material, i.e. glass fiber, yields high flame-retardation heat effects.

6. With respect to Applicants' arguments drawn to the Glow Wire Ignition Test (GWIT) results of the presently claimed compositions is not found convincing for the following reasons:

Table 1 of the present Specification discloses Inventive Compositions 1-4 which comprise the compounds F1 (Formula I with R1 and R2 are ethyl and M is aluminum), F2 (melamine polyphosphate) and F3 (melem); Comparative Composition A comprises the compounds F1 and F2. Of the presented embodiments, the only proper side by side comparison is Comparative A compared to Inventive 1, i.e. both contain identical amounts of compounds F1 and F2. However, it is noted Inventive Example 1 comprises 5 wt % of F3 while the present claims recite an amount of F3 from 1 to 10 wt % of a

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melamine condensation derivative and the closest prior art of record discloses an amount of F3 melamine condensation derivatives, i.e., melam in the amounts from 3 to 20 wt %. Thus, Inventive Example 1 is not commensurate in scope with the scope of the closest prior art and the present claims.

The present embodiments are drawn to polyamine compositions comprising a specific polymer, i.e. polyamide, and the specific compounds F1- F3 discussed above. Given that the present claims are drawn to any polymer, and relatively generic reaction product of phosphoric acid and melamine or a reaction product of phosphoric acid and a melamine condensation derivative, and F3 is a melamine condensation derivative, the Inventive Embodiments are not commensurate in scope with the scope of the present claims.

With respect to Applicants' arguments regarding unexpected results of Inventive Example 2 and Comparative Example A with respect to the GWIT, it is noted that the comparison is not a proper side by side the different amount of compound F1 and F2 in both embodiments, i.e.

(a) Inventive Example 2 comprises 12.4 wt % F1 as compared to 11.5 wt % utilized in Comparative Example A

(b) Inventive Example 2 comprises 6.5 wt % F2 as compared to 6 wt % F2 utilized in Comparative Example A.

Given the different amounts of F1 and F2 utilized in the Inventive Example 2 and Comparative A, it is the Examiner's position that the comparison of these embodiments it is not a proper side by side comparison.

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Further, it is noted that the present claims require that F1 is from 5 to 15 wt %, F2 is from 2 to 10 wt %, and F3 is from 1 to 10 wt %, and the total of F1+F2+F3 is from 8 to 35 wt %. However, the inventive embodiments comprises 20-22.5 wt % of F1+F2+F3, F1 is 10-12 wt %, F2 is from 5 to 6.5 wt % and F3 is from 1 to 7 wt %. As set forth in MPEP 716.02(d), whether unexpected results are the result of unexpectedly improved results or a property not taught by the prior art, "objective evidence of nonobviousness must be commensurate in scope with the claims which the evidence is offered to support". In other words, the showing of unexpected results must be reviewed to see if the results occurred over the entire claimed range, *In re Clemens*, 622 F.2d 1029, 1036, 206 USPQ 289, 296 (CCPA 1980). Applicants have not provided data to show that the unexpected results do in fact occur over the entire claimed range of F1, F2, and F3.

11/19/2010

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